

COURT MINUTES OF FINAL PRE-TRIAL CONFERENCE

AKIL K. CARTER, PAULETTE H. BARR, and
SANDRA K. ADAMS,

v.

CASE NO. 19-CV-1422-JPS

CITY OF WAUWATOSA, JAMES MACGILLIS,
PATRICK KAINE, LUKE VETTER, NICOLE
GABRIEL, and DEREK DIENHART.

HON. J. P. STADTMUELLER PRESIDING

DATE: February 8, 2023

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Caitlin Willenbrink

TIME CALLED: 8:29 a.m.

COURT REPORTER: Sue Armbruster

TIME FINISHED: 8:45 a.m.

PLAINTIFFS BY: Joy Bertrand

DEFENDANTS BY: Kiley Zellner, Jasmyne Baynard

Notes:

- 8:30 Appearances; Court notes this matter comes before the Court for a second final pretrial conference, with trial scheduled to begin March 13, 2023; Court inquires whether parties are ready to proceed; parties confirm they are
- 8:31 Court notes it has reviewed the history of this case and the parties' final pretrial filings; states the best way to proceed is to provide parties with its draft of what it sees as an appropriate set of jury instructions and verdict form, reflecting that case should only proceed to trial as to Defendant Kaine, with Kaine and Carl Anderson as primary witnesses
- 8:32 Court notes that, upon its review of the final pretrial filings together with its earlier decision on summary judgment, there is no need for expert testimony in the case from Landers, nor for testimony from Weber or his successor or from Sean Lowe
- 8:33 Court explains that, depending on when a jury can be empaneled, it expects all testimony will occur on Monday, March 13; parties should plan to have all witnesses available on that day, with possible need for availability the following day

8:34 Court explains its trial schedule: trial opens/resumes at 8:30 a.m.; break 10:30–45; in session 10:45 a.m.–12:45 p.m.; lunch 12:45–1:30; in session 1:30 p.m.–3:30; break 3:30–45; in session 3:45–5:45

8:35 Court explains it conduct voir dire; seven jurors will be selected, and, assuming they remain available throughout trial, those seven jurors will deliberate; each party has three peremptory strikes; Court explains process for how parties may exercise peremptory strikes; Court will entertain requests to strike jurors for cause in a sidebar with counsel; Court notes, should individual voir dire be necessary, it will be conducted in the jury room

8:36 Court states all exhibits must be presented electronically using courtroom technology; instructs parties to contact Eric Riedijk at 414-297-1210 with any questions about courtroom technology

8:37 Court asks parties whether any issues to address

8:37 Parties have no issues to address

8:37 Clerk distributes draft jury instructions and special verdict form to parties

8:38 Court comments further; instructs that parties will have joint jury instructions conference during trial

8:39 Court states that, if case is settled after noon on Thursday March 9, 2023, and this branch of court is the only one picking a jury on Monday, March 13, 2023, the parties will be obligated to split 50/50 the cost of bringing in a jury panel; notes 20-24 panelmembers are anticipated

8:41 Parties have no questions

8:41 Court states that, based upon its preliminary review of motions in *limine*, it will not be necessary to call as witnesses the records custodian, Sean Lowe, or Dwight Johnson

8:41 Defendant's attorney Zellner states Defendants plan to play video recording of Carl Anderson deposition; Defendants have not been able to serve Carl Anderson

8:42 Court reiterates that referral to magistrate judge for mediation remains an option, but parties must remain mindful of the trial date

8:42 Court denies as moot ECF No. 106, Defendant's original motions in *limine*

8:43 Court will address unresolved motions in *limine* during trial

8:43 Court notes jury instructions do not include a *Monell* claim; comments further and notes Court's view on facts and claims in this case

8:44 Court notes positioning of counsel tables; clients may be seated at counsel tables

8:45 Court recommends parties confer on its draft of the verdict form and jury instructions

8:45 Court stands in recess